

First-fruits and Tenth

Out of Ecclesiastical livings, according to
to their present improved values,

No Present for Cæsar:

O R

The Arithmetick of Dr. *Thomas Bradley*, in
his Book, called a *Present for Cæsar* of 100000 *l.*
in hand, and 50000 *l.* a year, examined, and
found not to amount (by inversion) to 000000 *l.*
00 *s.* 01 *d.* in hand, and 00000 *l.* 00 *s.* 05 *d.* a year.

By occasion whereof is handled the Nature. Ori-
ginal, and Measure of First-fruits; and the Nature and
Original also of Tenth, by the Law of God, by the Ca-
non of the Jewish Doctors, by the Popes Law, (commonly
called Canon Law) and by the Common and Statute
Laws of England; which with one consent say, that the
Doctors Present or Gift, will not make room for him to
bring him before his HIGHNESSE.

D. B. R. V. O. G. J. E.

1. Timot. 1. 7.

Desiring to be teachers (or Doctors) of the Law, understand-
standing neither what they say, nor whereof they affirm;

Turdus malum sibi cecit. Adag.

LONDON, Printed by F. Linch, for Tho: Firby, near
Grays-Inn-gate in Holbourn, 1657.

THE RULES AND REGULATIONS

OF THE SOCIETY OF FRIENDS
FOR THE PROMOTION OF
THE CAUSE OF HUMANITY

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THE CAUSE OF HUMANITY

To His Highness

OLIVER;

LORD

PROTECTOR

OF THE

Common-Wealth of Eng-
land, Scotland, and Ireland,
and the Dominions there-
unto belonging.

May it please your Highness,

THere was not long since of-
fered to your Highnesse by
Dr. Thomas Bradly, a ma-
gnificent present of 100000 l.
in hand, and 50000 l. a year,
by way of First-fruits & Tenths,
taking of them not as they are
now paid, which is by a valua-
tion and survey of Church-li-
vings

The Epistle

Prov. 18. 16.

Prov. 17. 3.

vings in the time of Henry 8. but according to the present improved values of them upon a new Survey to bee made; a Present (were it legal to take it) that indeed would (as Solomon saith) *make Room for a man; and bring him before great men;* and would be as a *Precious Stone*, or (as the Original hath it) a Stone of Grace *in the eyes of him that hath it;* but sure I am, if it be not legal your Highness will not entertain it. It was a saying of Philip of Macedon, That no Tower was so impregnable but it might bee taken; *modo Asinus onustus auro eam accedere posset.* On the contrary, I hope I may say of you without suspicion of flattery (which yet frequently haunts greatness) That your Highness is inexorable to an unjust offer, if you know it to be so, *modo Angelus* (as this Gentleman is, or would be esteemed an Angel

Dedicatory.

Angel of the Church) *onus tuum*
aurum tuam celsitudinem accedere pos-
set. That the Doctors present
(being viewed on every side) is
not fit for your *Highness* accepta-
tion, is the drift and scope of
this *small Tract*. A present it is
too, not of Silver and Gold, but
of Truth, as near as I have come
to the view and apprehension of
it; I present it not *ut gratus sim,*
& *viam ad dignitates prosternam;*
but that your *Highness* may see,
That *Rex* had need be *Lex oculata*.
The Doctor saith, the Law is on
his side; I say, it is on mine;
our appeal is to your *Highness*,
to you and your Courts belongs
the decision: What moved the
Doctor to this design, is hard to
judge, if we respect his inwards;
but if what is in the furnace may
be judged by the Sparks that flie
out of it, and if words be the
messengers of the thoughts and

The Epistle

minds of men, We may (without breach of charity) say, profit and self advantage was the *primum movens*. For he saith in his Epistle to your Highness, That his design about First-fruits and Tenthhs was before your Highness Commissioners for Discoveries at Worcester house; and it is easily believed that no man lodged any thing there by way of Discovery, but to obtain a fifth part of it, which your Highness Commission did allow: and what would his fifth part of First-fruits and Tenthhs amount to, according to his own estimate of them to your Highnesse? no more but 10000 l. per Annum; & 20000 l. in hand. This revenue would have soon turned the Motto of his house at Neilebed (which in his book he saith is thus: *Episcopus non procul ab Ecclesia habeat Hoffitulum, vilem mensam & suppellectilem.*)

Present for
Caesar, f. 36.

Dedictory.

lem) into this motto, *Episcopus habeat Palatium, Dapsilem & opiparam mensam & spectabilem supellectilem*, and all this grandeur must have arisen from the damage of his Brethren of the Ministry. It is sad when (as my Lord Bacon saith) a man will set his Neighbour's house a fire to roast his own Eggs by, or when (as a good man saith) a man is so self-en-Mr. Hert.
ded that hee become the Hedgehog of Conversation, and will roul and wrap himself in his own warm down, and turn his bristles to all the world besides. Self-end pursues the narrowest circle, turning it self (like the feeble Snake) into it self, as if no man were to regard any thing els but his own spot. I beseech your Highness pardon for this length; earnestness is usually tedious & unmannerly even before greatest of men: I now conclude with this prayer to the Lord on

The Epistle, &c.

your behalf, that your *Highness*
(who is one of them (I mean
Princes) that walk (as it were)
upon the battlements of this *lower world*) That your *Highness*
(who stands (as it were) upon
an *open Theater*, and is viewed on
every side) may walk *erely* and
with a *sure footing* for what ever
you do; for your actions and
carriage are of greatest impor-
tance to the Nation; that your
Highness (who is clothed with
so great Authority and Honour)
may bestir your self to become a
blessing to the Age wherein you
live, and a Benefactor to succeed-
ing Generations; that this motto
may be written on your *Highness*
Name to after ages, This is the Man
who honoured God, whom God honou-
red, and whom honour amended.

I am your

HIGHNESSE

Humble and Affectionate Servant,

R. V.

To the Right Honorable

JOHN GLYN,

Lord chief Justice of the
Upper-Bench;

OLIVER St. JOHN,

L. Chief Justice of the Com-
mon-pleat: and the rest of
the Learned and Reverend
Judges.

MY LORDS,

THe final and peremptory decision
of the controverſie between Dr.
Bradley and myself, touching First-
fruits and Tenths, (*viz.* whether
they ought to be paid into the
Exchequer, according to the
present improved values of Mi-
niſters livings, or as they were ſur-
veyed and valued in H. 8. time)
belongs

The Epistle

belongs properly (on this side a Parliament) to your Learned and grave Tribunals; (or at least to some of you) to determine; to you therefore it is not improper for me to make this humble addresse; if you judge me in an error in what I assert, and the Doctor in the right, I shall acquiesce and confesse my Ignorance; and the wrong I have done the Doctor in this contest with him. But if it appear the Doctor hath trodde awry, and like the famous Heroe of Mancha mistook a Wind-mill for an enchaunted Castle; or hath dipt his pen in his humour and inclination; (for how few men are there, that do not live, as they love; and believe as they wish and incline?) and not in the Law, He will I hope be so ingenuous as to retract, and for the future forbear to spread his wing beyond his nest, or meddle in aliena Republica; shameful irregularities, usually haunt and attend men wandring out of

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Dedicatory.

of the Circle and Round of their
own Callings; and it cannot be
otherwise when men will not abide in
that calling wherein they were called: 1 Cor. 7. 20.
it had been praise worthy had the
Doffor not meddled with this business,
and entangled himself with the affairs
of this world; but dedicated himself
to the work of the Ministry, (his own
calling) for which who is sufficient?
Your Lordships well know, what
became of Ranulph Chaplein to
William Rufus, who for his facto-
rage in making Marchandize of
Church livings for that King, was
advanced to be Chancellor, and af-
ter to be Bishop of Duresme; and
when he was advanced to high Dig-
nities, made them servants to his
Sacrilegious and Symoniacal de-
signes, as my Lord Cook saith) Co. 2. Inst. f. 15.
But in H. 1. time, this Ranulph
when he was Bishop of Duresme, was
by Hen. 1. committed to Prison for
his intollerable misdeeds and injuries,
(as

The Epistle

(as my Lord Cook saith) to the Church; where he lived without love, and died without pity, saving of those that thought it pity he lived so long. I wish not the Doctor such a punishment, till he hath brought to passe his design, (not much unlike that of Ranulph) which yet I hope will never be. It is a coming saying, That the ordure of the Thrush is an ingredient of Birdlime; whence that adage Turdus malum sibi cacat; whether this design of the Doctor would not bode evil to himself (in case he could not have succeeded for his fifth part of it as a discovery) is not hard to judge. My Lords, This little Treatise is conversant about a subject that is but little handled in our Law, it taking its original from other Laws, therefore it is that authorities in our Law are so sparingly cited, and Histories and other Laws are brought in to ayd in this business, The French Proverb is, Speak not Latine

*xixth xth 2^d
dth nth nth.*

On ne doit parler
Latine de-
vant les Clercs.

Dedicatory.

Latine before Scholars ; Your
Lordships are quick-sighted, and
can easily see where I stalk ; but I
doubt not of Candor from you, whom
I never observed severe and rigorous
in your sentences, but endeavouring
to deal with all men *aqua lance*.
I am

MY LORDS,

Your Humble Servant.

R. V.

TO THE
GODLY LEARNED
and Reverend Ministers
of this Nation.

Reverend Sirs,

ONe, that saith, he is of your
Number, (and a *Doctor* too)
hath not long since published to
the view of the world a Book cal-
led, *A Present for Caesar* of 100000/
in hand & 50000 l. a year, which
is to be raised out your respe-
ctive benefices (as he saith) ac-
cording to the present improved
values of them by the way of
First-fruits and Tenths, and this is
to be done (as he saith) by ver-
tue of the Statutes of the 26. H. 8.
c. 3. and 1. Eliz. c. 4. I have en-
deavoured to prove that this
measure of First-fruits & Tenths,
which

Dedicatory.

which he would have paid to his Highnesse, is not only full but running over the true sense and meaning of these Statutes, taking them in *verbis & visceribus*, and according the mind of the Legislators & Interpreters of them; it also is a measure I am sure, that the Law of the Pope himself (I mean not his will) called Canon Law) the Canons of the Jewish *Rabbins*, and the Law of God (the rule of all Laws, or should be so) will not allow of. Sorry I am that one of your calling should labour in a business that is not onely beyond his own Line and *Sphere*, and against Law too, but to the common prejudice of you all, or most of you. Those that wish you well, and would profit by your ministry, would not have your *Mouthes muffled*, and that you, and your families after you, should bee miserably poor,

The Epistle

poor, and in the next degree
to starving; upon which enlues
contempt and other *sover tempta-*
tions, than good men would
have you have experience of.
The Doctor saith 1. That
First-fruits are due to his High-
ness by Law, according to the
present values of your benefices,
and not according to the valuati-
on in *H. 8.* time: I deny it, up-
on a ground (I hope) of as true
respect to his Highness service as
hee, which is to do nothing a-
gainst Law. 2. He saith, you
are willing to pay it as he *pre-*
scribes to have it raised. I must
say, I doubt he doeth speak this
fratribus inconsultis, at least most
of the judicious amongst you;
but if you be willing *volenti non fit*
injuria, you may bring a burden
upon your selves, and tye it with
your *tongues* so fast that you can-
not all ontye it with your *teeth*,

nor

Dedicatory.

nor those that shall succeed you, unless God mercifully interpose.
3. (He saith) By your payment of First-fruits and Tenths, as he would have it your standing will become firm, I say, that there is no profession or calling of men in these three Nations, that hath a higher and brisker countenance, and more *open-faced* favour from the chief Magistrate, than yours, as farre as you are Godly and Learned; and as long as there remains a good Magistrate in these Nations, so long will your bottom and standing (I mean that of your outward maintenance, the other having a surer Basis) be as firm and stable as his shall be; (the *life* and *soul* of whose *interest* lying in the *incouragement* of *good* Ministers and *good* men) And now I beseech you, excuse the weak *head & hand* of him, that weilds

The Epistle.

&c manages this *concern* of yours; had I known of any abler person (as there are not a few that can do it) that would undertake to give *check* to the *headinesse* of this design, (though it hath been 28. years a brewing by others and by this Doctor) and did not the Doctors book *sencibly* beat with the *Pulse* of a *dangerous Project*, I should have forborn pains to my self, and trouble to you: I had once some thoughts to have *humbly proposed* some thing to his Highness and the Parliament, for the *utter abolition* of First-fruits and Tenths, as things Typical under the Levitical Law, but knowing that there are very many able persons among you, to whom this task is more *sutable*, and who are fitter and more sufficient than I am for such a work, it being out of the *round* of my calling, and much
out

Dedicatory.

out of the reach of my abilities
to do it well. I forbear it, not dis-
pairing, but some among you
will let these Nations know,
that First-fruits and Tenths are
fit to bee quite abolished, and
to *emerge* in the Ministers main-
tenance, which *Queen Mary* in the
first & second year of her raign
(none of the best of Queens)
once did abolish, and gave unto
the Ministers, as you will find
hereafter.

Reverend Sirs, I now take my
leave of you, wishing and hoping
never to see a *starving* or *peeled*
Ministry in these Nations, for
besides the *disgrace* of it to a
Christian Nation so highly *bles-*
sed with *Gospel* light and know-
ledge, it *inclines* to *dejectednesse*
and *servility*, and erects, (almost
in a noble soul otherwise) a *for-*
did and *men-pleasing* disposition in
Ministers, which, how *perniti-*

The Epistle

om it is to the *success* of the Gospel, is not the *First-born* of experience, nor difficult to decipher.

I am

GENTLEMEN,

Your Real Well-wisher
and servant in the best
of bonds,

R. V.

TO

TO THE
R E A D E R,

I Must say something to thee of what judgment soever thou be, and which way soever thy Bias lies; know that as a man subject to Common mistakes, I value not thy censure, if thou be a man thorough-paced in passing of it; but as a man whose sayings may exceed ordinary frailties, I implore thy candid correction (mente correctissima) considering I have travelled something out of the common and beaten path, and therefore more liable to stumble; were I my self to passe my judgment on these my own productions, upon frequent and serious after-thoughts (it may be) some things (and yet who loves not the progeny of his own brain) could not pass my own approbation, Seniores cogitationes, saniores; therefore I beg
such

To the Reader.

such a pardon as thou canst give me, I have no Eloquence to ask it, I can not (like the Orator) first put on those passions my self that I would stir up in others, and (as one saith) by a subtile and lively contagion impress on thee my own perswasions and affections. Truth needs not the Musick of the Tongue; it is eloquent enough of it self, it needs no Flourishes, nor Gayes of Language, Magna est & prevalebit, whatsoever Truths thou findest here, if thou hast a High-born soul, thou wilt own it; and moderately censure my Errata's; if thou be no more then a piece of walking earth, or a high boy and hot soul, that likes not things because contrary to thy humours, not thy reason, I have nothing to say to thee, but to wish thee of a sounder mind. I have but a word or two more, and then I shall desist. The reason why I have not translated the Latine throughout these few sheets into English, is first because

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To the Reader.

*because I designed Brevitie, Ur-
ceum, non Amphoram institui.
Secondly, because the subject matter
concerns only a Learned Profession
of men, to whom, to do it, were need-
lesse. I have now done, farewell.*

Thine

R. V.

THE

THE CONTENTS.

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First fruits and Tenths out of Ecclesiastical Livings,

according to the present im-
proved values, No Pre-
sent for *Cæsar, &c.*

BEfore I take upon me to en- *Señ. 1.*
quire into the subject I am
now about, I shall premise *The Intro-*
thus much; That in answering *duction.*
the Doctors book, I intend not to
follow him in the same Method
he hath writ it, most of his rea-
sons therein being not so mascu-
line, and of such a breadth and
bulk, as they deserve, every one
of them, a single and particular
encounter; and therefore I shall
bend my strength, and all that I
have to say, against his main po-
B sition,

sition, (the Leader of his other circumforaneous reasons) viz. *That First fruits and Tenths by Law ought to be paid according to the true values of them, and not as they stand partially rated in the late Kings books, by an antient Enquiry made above 100. years since, which gives them not in to the fifth, nor to the sixth, nor scarce to the eighth part of the true value of them throughout the Land ; which if I defeat, the flight and discomfiture of his other auxiliarie reasons will necessarily follow, without as much as an onset.*

Se&. 2.

And because all regular progression is from a definition or description of what is to be handled, for thereby things are exhibited to the understandings of men by their internal forms and essences, or by their proper Causes, effects and accidents, I shall

shall give the Reader such definitions, or descriptions of the nature of First fruits and Tenths, as may be Collected, 1. out of Scripture, 2. out of the Jewish Doctors writings, 3. out of the Popes Law, commonly called, The Canon Law, and 4. out of the Common and Statute Laws of *England*; And because it was extorted before the time of King *Hen. 8.* by vertue of the Canon Law, I shall speak to the original of that Law, and how it came into *England* and bore sway amongst us above two hundred years with no little domination: And then I shall endeavour to shew after what measure they were antiently paid, and how they ought now to be paid; and lastly, about what time they were first exacted by the Pope in *England*.

Sect. 3.

But that I may prevent all occasions of exception or reply from the Doctor, (if it may be) against the definitions or descriptions that I shall exhibit as that my definitions doe not consist of the essential attributes, (*viz.*) *ex proximo genere et specifica differentia*, which are esteemed necessary in all right and regular definitions; or that my descriptions are not according to the strict rules of the Logick Schools, *quae definitam explicant genere & accidentibus vel causis vel effectibus propriis*, I shall tell him thus much, that if I should pretend to any measure of exactness therein, yet I shall not here make any apology for not following a stricter School-method than I have; for if my definitions or descriptions in this matter shall amount to as much as *descriptio minus principalis*

palis quæ est definiti ex mere contin-
gentibus terminis vel etiam externis
explicatio, it shall serve my turn.

And thus farr I conceived it meet
 to pass out of my way (not that
 I fear my Antagonist however)
 to let him know, that if I be un-
 derstood in what I offer herein
 to Publique view, I am not over-
 curious whether it be after the
 way of incomp't and home-spun
 natural Logick, or that of the se-
 verer Rules of Art and method.
 I shall therefore begin first with
 the explanation of such words as
 doe expresse First fruits in Scrip-
 ture, and so descend *à definitione*
vocis, ad definitionem rei, and so
 proceed in the order before-
 mentioned with it first, and then
 take up the same method in
 handling of Tenth's.

The *Hebrews* and others say *Scd. 5.*
 there were several sorts of First
 fruits : some were *brought* by
 the people, who were the ow-
 ners, unto the Lord, (*i. e.*) into *Sol: Iarchi.*
 the Sanctuary, according to the
 26 *Deut.* 1, 2, 3, 4. &c. Some *Godwins An-*
 the people *gave* to the Lord, but *tiquities of*
 they were not obliged to bring *the Jews, fol.*
 them out of the place where they *218.*
 were, but the Priests were to
 fetch them; some were offered
 in the beginning of Harvest,
 some in the end, some in fruits,
 some in wave-loaves, and some
 were called shake-offerings, and
 some in Cakes of Dough. These
 distinctions whether they be all
 true, I doubt; yet making no-
 thing to my purpose, I think
 them not necessary to be enqui-
 red into.

The definition or description *Scd. 6.*

B 4

that

The nature of
First fruits.

that may be given of First fruits, (not to speak of the first-born of Man and beast, which were a First fruit to the Lord also, according to the 22 *Exod.* 20. and 13 *Exod.* 2.) out of the Scriptures (with which the soundest of the *Hebrew* Doctors agree, and therefore we shall describe it but once for both these) is this.

Sect. 7. First fruits were an offering to the Lord by the people of Israel, out of the first, ripest, and best incombs, and fruits of their lands and labours.

Sect. 8. That it was an offering to the Lord by the people of Israel, is clear from Numb. 18. 12. All the best of the oyl, and all the best of the wine and of the wheat, the first fruits of them which they (i. e. the people of Israel, as the beginning of the Chapter shews) shall offer unto the Lord, have I given thee : They were

were to offer it to the Lord, and the Lord assigned it to the Levites, and to the Priests for their portion.

That it was an offering of the *first and ripest* fruits of their lands is proved, *Exod. 22. 29. Thou shalt not delay to offer the first of thy ripest fruits, and of thy Liquors, &c.* and so 23. *Exod. 19. & 44 Eze. 30.* And that it was to be an offering of the *best and choicest*, see the aforesaid place of *Numb. 18. 12. All the best of thy oyl, &c.* and that it was to be out of their *Labours*, as well as their *Lands*, is clear in *Exod. 23. 16. And the feast of harvest the first fruits of thy labours which thou hast sown in the field, &c.*

Sect. 9.

The day of offering the First fruits was the feast of Harvest (which was seven weeks after the Passcover) *Exod. 13. 26.* This

Sect. 10.

*Talmud Bab. in
Biccurim, c. 3.
Maymon in
Biccurim, c. 4.*

*Maymon in
Biccurim, c. 3.
sect. 1.*

This day in *Acts* 2. 1. is called *Pentecost*. The solemnity of this feast of Harvest was exceeding great, as may be seen in *Talmud Bab.* and in *Maymon*.

R. Moses Maymon saith, First fruits were not to be offered but of the fruit of the land of *Canaan*, in *Canaan*, and not out of it.

SECT. II. The Canonists, or Doctors of the Popes Law, define the First fruits thus, *Primitiae sunt Prima fructuum obventiones domino offerenda, antequam usibus nostris secunda deputentur.* (i.e.) First fruits are the first incombs of the fruits of our revenues, or profits of our estates, to be offered to the Lord before we assign any to our own private uses; which (say they) though they were to be offered to the Lord, yet *Sacerdoti proprio seu parrocho aut clericis qui pro offerentibus precis*

*Corvini jus
Canonicum, tit.
39. f. 159. &
Venatorii ana-
lysis Juris
Pontificii, lib. 3
tit. 30. f. 626.*

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preces fundunt, debentur, and by
 this Law everyone was to pay
 First fruits, and not the Clergie
 only, as now it is : *Quilibet ex* *Analysis Ve-*
nat. ibidem.
fructibus percipitis pro loci consuetudi-
ne (ita tamen ut mediocritas quadam
servetur) rectori Ecclesiæ primitias
det.

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The English Lawyers say, *Señ. 12.*
 That the *Primitiæ* or *Annats* are *Coke 4 Instir.*
c. 14. p. 120.
 the first fruits after avoidance of eve-
 ry spiritual Living for one year to be
 paid by the Clergy to the King (or
 chief Magistrate,) except *Vica-*
reges not exceeding ten pounds; and
Parsonages not exceeding ten marks
per Annum.

This description is after, and *Señ. 13.*
 with relation, to the Statutes
 of the 26 *H. 8. cap. 3.* and 1 *26 H. 8. c. 3.*
1 Eliz. c. 4.
Elizab. cap. 4. which first made
 the stream of this revenue of
 First fruits and Tenths, to run
 from

from the Papal, to the English Exchequer, it having before for some hundreds of years been extorted from the English Clergy by vertue of the Canon Law, a Law that came in at the window like a Thief, but never was freely admitted at the door; and when it came into the house, it played the Thief indeed, it first bound us, head, hands and heels together, King, Priest and People, and then robbed us of this and other incredible sums of money, for (as I said before) above 200 years together.

SECT. 14.

It will not (I hope) be deemed amiss if in this place I take occasion to make a little digression, to let the reader (as farr as I am able) see what this *Law* is in its *original*, by *whom* it was *made*, and for what *Climate* it was *first calculated*, and then how this *Foreign Law* fitted

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(fitted at first for a *particular* Princes *Territories*, and to be executed within the *confines* thereof,) should, without any *Publique leave* or *State-admission*, worm it self into several Kingdoms and States, and become *so much a Law* in force, that the *municipal* Laws of those Nations, where it thrust it self, *bowed the knee*, and did *obey- sance* to it.

The Canon Law (if we be- *Señ. 15.*
lieve the *Canonists* themselves)

hath the *Law of God* for its origi- *The original*
nal and source ; but there needs *of the Canon*
so little confutation of this asser- *Law, &c.*
tion, that the very *trash* whereof *Venatorii Ana-*
this Law in the greatest part of *lysis Juris*
it consists, shewes it to be more *Pontif. l. r.*
the *spurious* Brat of the Scarlet *f. 4.*
whore, than the Issue of so noble
and masculine a *Parent*.

The *Causa efficiens magis propin-* *Señ. 16.*

qua

qua of this Law (as they say) was the *Nicene, Constantinopolitan, Ephesine, and Chalcedonian* Councils, and those who reduced their Laws into a method and orderly series, were *Ivo* Bishop of *Carnat*, Pope *Gregory* the ninth (or rather *Barcinus* his Chaplain by his Command) whose wickedness was so barefaced, as to cause his *Decretals* to be reckoned *inter Canonicas Scripturas*) Pope *Boniface* the eighth, *Clement* the fifth, *Gratian* the Monk, and Pope *Eugenius* the third; which last mentioned Pope commended the *Decreta* to be read in publique Schools, & allowed them to be urged for Law. The *Extravagants* were Compiled by Pope *John* the 22. and other parts by other Popes and Cardinals.

Sett. 17. Sir *Thomas Ridley* in his View of the Civil and Canon Lawes
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faith, The *Decreta* or decrees were Ridley's View of the Civil & Canon Laws, P. 73, 74, 75.
Constitutions made by the Pope and Cardinals, and were first gathered by *Ivo* Bishop of *Carnat* in Pope *Urban* the second time, about the year of Christ 1114. and polished and perfected in the year 1149. by *Gratian* a Benedictine Monk, and Confessor to the aforesaid *Eugenius* the third. *Trithem*: saith, it was done Trithem: lib. 2. de viris illustribus. in the year 1127. *Isaacson*, Isaacson chro. f. 332. that it was in 1152. others, that it was in 1151. These variances being not reconciled nor rectified by the Lawyers of the Pope themselves, it is hard for me to doe it, and therefore will leave them to reconcile or rectify them among themselves.

The *Decreta* (consisting of 3. Scilicet. 18. parts) are the antientest : as old as *Constantine* the first *Christian* Emperors time, (as some of the Canonists

Canonists say.) The first part sheweth the *original* of the Canon Law, and describeth the rights, dignities and degrees of Ecclesiastical persons, and the manner of their Elections, Ordinations, &c. The second setteth forth the Causes, Questions and Answers of this Law. The last treateth of Consecrations of Churches; and bread and wine in the Sacrament, of Feast days, of Baptism, and Imposition of Hands; but let these decrees be as antient as *Constantines* time, (who began to reign about the year of *Christ* 306, and died about the year 336.) yet they were not generally known, but were kept *inter privata scripta Paparum*, nor were they methodized, read in Publique Schools, and allowed to be urged for Lawes, till the year of *Christ* 1114. but as some say,

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not till the year 1651. or 1652.

The *Decretalia*, or Decretals, *See. 19.*
 (consisting also of three parts
 or volumes.) are called *Canonical*
Epistles, written by the Pope himself,
or by the Pope and Cardina's. The
 first Volume being gathered by
 the aforesaid *Barcinus*, Chaplein
 to *Gregory* the 9th, and publish- *Ridley's View,*
 ed about the year of Christ *f. 75.*
 1231. and used for Law in Eccle-
 siastical Courts, but first in the
 Popes own Territories, as shall
 anon be further shewed. But
Isaacson saith, these Decretals *Isaacson Chr,*
 (which must be understood of *f. 334*
 this part onely, for the other
 parts were not published along
 time after) were published *An-*
no Christi 1236. and *Moor* in his *Moors Chron.*
 Tables saith it was in the year *Tables, f. 178.*
 1232. but the variance is not
 considerable. The second part
 of the Decretals was methodized
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Ridley's View,
ibidem.

Isaacson Chro.
t. 344.

Seft. 20.

Prideaux In-
roduction, f.
154.
Beals Pageant
t. 134.

by Pope *Boniface* the eighth, and published about the year 1298. And the 3d. was made by Pope *Clement* the fifth, whence this last Volume of Laws are called *Clementines* : these were published about the year 1308. in the Council of *Vienna*. But *Isaacson* saith, it was in the year 1313.

These being the first born Laws of the Popes brains, and of his Cardinals and Monks, not long after came the *Extravagants*, which were the issue of Pope *John 22.* (who began his Popedom in the year 1316. lived the longest of any Pope, and died in the year 1335.) then were brought forth another litter of Laws, called *Sextines*, Constitutions, Provincials, Summaries, Rescripts, Repertories, Palls, Quodlibets, Rituals, Reductories, Glosses, Breviaries, and infinite the

other pitiful Riff-raffs, (pardon the words) the genuine product of the Popes; their Cardinals and Priests.

Sect. 21.

These *Decreta* and *Decretalia* were first calculated for the Government of the Clergy within the Popes own Territories and Dominions, and were not offered at first to be imposed by the Pope upon the Christian world, he well knowing, that *ubi non est condendi autoritas, ibi non est par- cendi necessitas, et extra terri oriu jus dicenti, tuto et impune non paretur.*

Sect. 22.

The *Decreta* being first publish- ed, the Pope after some experi- ence had of them within his own Dominions, *Commends* them to the Clergie in other Nations; in some States the Clergie *entertai- ned* them, in some they were not *accepted.* The Pope then *imposes*

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them

them upon the Clergie every where; & *nunc pennas nido majores distendit.* The *Western* Churches received them, the *Eastern* rejected them, *Incepta fabula pergit Histrio.* Then he advances, from commending his Laws to other Nations and *commanding* the Clergie to obey them, to impose them *downright* upon the Laity also, by putting dayes of abstinence, holy dayes, &c. upon them.

Self. 23. These having taken some success in some States, his *Decretalia* are thrust upon the world, now Kings, Clergie and Laity must all obey, the mask and disguise of a modest commendation is thrown off, the Popes heart is now turned the inside outward. Now he *gives Laws* to bind the People in their *civil concerns*, *Laicks must have no Patronage*

very tronage or donation of Ecclesiastical
 major preferments, himself must have all,
 none must marry but within degrees of
 his prescribing; Children born be-
 fore espousals must be Legitimate and
 capable of inheriting; The Clergy must
 be exempt from the Civil and Secular
 power, with multitudes of other
 Laws: so that (as one saith) *Qui* In Epist. lib.
vocat. Reform.
Legum Eccles.
ex autho. pri-
mum H. 8. de-
inde E. 6.
prius humili socco incidebat, nunc al-
to Cothurno ingreditur, et ex Ponti-
sice Rex factus est ac leges prescribit u-
niversis, et sic leges legibus, decreta
decretis, ac iis insuper decretalia,
aliis alia, ac quidem alia accumulatur,
nec ullam pene statuit cumulandi fi-
nem, donec tandem Clementinis,
Sextinis Intra & Extra-vaganti-
bus, Constitutionibus, Provincialibus,
Synodalibus, Palleris, Glossulis, Sen-
teniis, Capitulis, Summariis, Re-
scriptis, Breviculis Casibus longis &
brevibus, ac infinitis Rhapsodiis adeo
orbem confarcinavit, ut Atlas Mons
quo sustineri Cælum dicitur, huic
 C 3 (14

(*si imponeretur*) *oneri, vix ferendo
sufficeret.*

Seft. 24.

Yet notwithstanding all these Laws, and that the Pope had gotten the generality of the Clergie in several States for him, and some of the Laity also, yet divers of his Laws in most Nations were rejected. In his own Country, which some call *Da. rep. f. 70. Patria obedientia*, they were generally observed. In other States which they call *Patria consuetudinaria*, very many of them were opposed. That *France* withstood divers of his Lawes, appears by the *Pragmatica sanctio*, made in Parliament there in the time of *Lewis* the Ninth, which was about the year 1228. That *England* opposed the Popes Law, is frequent in History.

Seft. 25.

This appears by the Constitutions

tutions of *Claringdon* made in *This was a-*
Henry the Seconds time, against *bout the year*
the incroachments of Pope *Alex-* *1161. See Da-*
ander the third, and Archbishop *niels Hist. f. 70,*
Becket his disciple here in *Eng-* *71. touching*
land, who with his predecessors *the sad effects*
had got the Clergy exempted *of exempting*
from Secular power, and the *the Clergy*
Donation of all Church livings *from Secular*
to be in the Pope, and had got *power, upon*
appeals to *Rome*, and might bring *which these*
Bulls to curse the Realm thence, *Constitutions*
which were all opposed by the *were made.*
aforesaid Constitutions, among
which there is one *notable* Article
to this effect, *viz. That none of*
the Popes decrees (these were the
Decreta, which were published
but a little before) *should be exe-*
cuted in England upon pain of impri-
sonment and confiscation of goods.

In the Parliament at *Merton*, *Seet. 26.*
20 H. 3. The Canon for legiti- *co. 2. Inf. f. 96*
mation of Bastards before *es-97.*

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ousals was withstood.

Señ. 27.
35 E. 1. Stat.
de assportatis
Religiosorum.

In *Edward* the firsts time, the Statute made in the 35 *E. 1.* at *Carlisle* in the year 1307. was among other things against the Popes oppression of Churches and Monasteries.

Señ. 28.
25 E. 3. c. 1.

The Statute of 25 *E. 3. c. 1.* was made against the Popes invading the right of Patronage and presentation to benefices, and for other incroachments.

Señ. 29.
Vyleway, fol.
181.

The Canon for the exemption of Clerks from the Secular power was never totally embraced in any part of Christendom, as appears by the case of Doctor *Standish*, and the Abbot of *Winchcomb* learnedly debated and argued in *Blackfryers London*, by Common Lawyers, Civilians, Canonists, and Divines, in the 7 year of *H 8.*

The

The Canon for *First fruits* was
 opposed in the aforesaid Parlia- ^{Sett. 30.}
 ment at *Carlisle*, and by the afore- ^{35 E. 1.}
 said Stat. of 25 *E. 3.* which (a- ^{Mr. Daniels}
 mong other things) was made a- ^{Hist. f. 172.}
 gainst the Popes Collectors of ^{25 E. 3. c. 1.}
First fruits who carried the Trea-
 sure of *England* beyond the Seas;
 In the 47 *E. 3.* A complaint was ^{47 E. 3.}
 made in Parliament against the
 Popes Collectors of *First fruits*:
 The like complaint in 51 *E. 3.* in ^{51 E. 3.}
 Parliament, and that 20000 *l.*
 was yearly carried out of the
 Kingdom by this means onely,
 besides other exactions. In the
 Parliament of 4 *R. 2.* the like ^{4 R. 2.}
 complaint was made against his ^{Co. 4 Inst. f.}
 Officers exacting of *First fruits*, ^{120.}
 and a prohibition of levying of it
 any more, calling it also a No-
 velty. In 6 *R. 2.* was the same com- ^{6 R. 2.}
 plaint in Parliament. The like in
 the Parliaments of 10 *R. 2.* & ^{10 R. 2.}
 9 *H.*

9 H. 4. c. 8. 9 H. 4. and an Act of Parliament thereupon made against the Popes Tyranny and In-croachment in this respect. And yet for all this, through the Officancy or Cowardise of most of the Kings of *England*, till H. 8. time, the Canon Law did out-found and out-speak Acts of Parliament, and all other Laws of the Nation, the Clergy spiriting the people with the same spirit they received from *Rome*, so that little was the effect of our Law, the Clergie were the Popes Vassals and Votaries, the people (for the Bulk and Generality of them) a herd of *Asinegoes*, led or driven as they pleased, they governed the *Church* by a distinct Law from that of the *State*, and ingrossed also to themselves the *highest* and *chiefest* Offices in the Nation, whereby in effect they ruled both *Church* and *State*, wielded

ded both Laws, and made the one
 mute when they pleased, and
 th'other to speak when & what
 they pleased, these men had the
 hearts and consciences of the
 Vulgar at their beck, either for
 love or for fear, or for some
 other by-respect; and if there
 were any *high-born* souls amongst
 the People that minded their
 Countries freedom (as doubtless
 there were many) yet they could
 but struggle for many scores
 of years together, and this they
 did until at last those *generous*
 sparks of publike *affection* to their
 Country broke out into such ex-
 traordinary *flame* and *fervor*, that
 with a high hand it *exterminated*
 the Popes power, and most of
 his Canon Lawes, (which by
 length of time and usage had ri-
 vetted themselves into the very
 heart and soul of the Nation) out
 of the *English confines*, even that
 Power

Power and that Law that for a long time was to the Law of the Land like *oyl* above the *water*, it could not incorporate with ours, and it would not be under it, but in times of *Publique* disturbances, or some such like *State* - Earth-
quakes.

Se&. 31. It is almost beyond conjecture what streams of *Englsb* Treasure ran from hence to the Court of *Rome*, by means of the *Popes Bankers*, and other Officers here in *London*; some say there was yearly carried to *Rome* from *Eng-land* 700000 *l.* which at this day is estimated at 200000 *l. per An-num.* This made *H. 3.* to rage, when he heard that the *Pope* had yearly out of *England*, more than his yearly revenue came to.

Se&. 32. This revenue was raised by various wayes, as by *Peter-pence*, which

For which some call *Vestigal Roma-*
num, but indeed was originally,
 but *Eleemosina Romana*, or Alms
 antiently given freely by the
 Kings of *England* to the Popes,
 and so acknowledged till (and for
 some time after) the Popes be-
 came Princes) And by exacting
 the goods of Clerks and others dying
 intestate ; All goods given to chari-
 table uses, First fruits, tithes, goods
 of Usurers ; and sometimes by forcing
 the tithes, sometimes the Fifteenth,
 sometimes the one half of the goods of
 all the Clergy and Laity without di-
 stinction, by donation of all Ecclesia-
 stical livings to Foreiners as well as
 Natives, yea to men of neither
 Learning, nor morality, as well
 as to Learned men, as *Matthew*
Paris complains, saying, *Eng-*
land to *Rome* was an *Agar*, and
 not a *Sarah*. In sum, two third
 parts of the Land were in Clergy
 mens hands, as well Strangers
 as

as *Englishmen*, & the greatest part
of the profit thereof was carried
to *Rome*, as may be seen at large in
Mat. Paris, in the life of *H. 3.* in-
somuch as that he calls *Rome*, *Bar-*
rathrum Proventum, & *Barathrum*
Avaritia, and could it be other-
wise in that Kings time, when
the King himself was such an
Animal as to pay the Pope 5000
marks for fear of an Excommu-
nication, and to let the Popes *Le-*
gat sit at a Royal feast in his own Chain
of State, and he on his right hand,
and the Archbishop of York on
his left hand. In this Kings
time and his Fathers King *John*,
the Pope was *verè Demon meridi-*
anus, a Noon-day Devil indeed,
and did verifie the saying of a
Pope mentioned by *Matthew Pa-*
ris, *Vere Hortus noster deliciarum*
est Anglia, Vere Puteus inexhaustus
est, & ubi multa abundant, de multis
multa possunt extorqueri. Thus we

Sed non sine
multorum ob-
liquantibus o-
culus, saith
Mat. Paris.

Mat. Paris,
f. 683.

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see some footsteps of the Papal Law, and Power, and some of the Pranks it plaid here in England in the reign of several Kings more or less, until it was discarded in the time of Henry the Eighth.

Having thus farr preceeded to Sect. 33.

shew the nature of First fruits, and by way of digression, the original of the Canon Law, I shall

now come to speak of the measure or proportion that was an-

tiently and is now paid. The proportion that was offered to

the Lord, is not set forth in any part of Scriptures that I find, ex-

cept some touch of it in the before mentioned place of Ezek.

45. 13. *This is the oblation (or*

heave offering, or Therumah) that ye shall offer, the sixth part of an

epha of an homer of wheat, and ye shall give a sixth part of an epha of an ho-

mer

The measure of First fruits.

That the Reader may not be prejudiced, let him

take notice, There is in

Scripture an Homer & an Omer, both

different measures, the first

is ten Ephas, the last the

tenth part of an Epha.

mer of Barley. An Ephah or a Bath in Scripture were equal measure, the one a wet, the other a dry measure, each of them a tenth part of an Homer, and an Homer was ten Ephah's, and an Ephah was near our Common English Bushell. By this account the sixth part of an Ephah here set down, was the sixtieth part of an Homer: so that the measure of the Heave offering, or First fruits to be offered to the Lord, was the sixtieth part, if this Scripture be rightly weighed and Consulted.

Set. 34.

Buxtorf. Lex.

Buxtorfius out of *Rabbi Solomon*, hath this expression of the *Therumah*, (*viz.*) That it had not in *Lege nec mensura nec aestimatio*, *ditiores de quadraginta, mediocres de quinquaginta, tenuiores de Sexaginta una dabant, de Centum Communiter duo*; whence *Buxtorf* observes

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observes this Criticism upon
the word *Therumah* (*quasi*) תְּרומָה
תְּרומָה *Tere Mimmah*, alias *Mim-*
maah (*i.e.*) *duo de centum*.

The Hebrew Canons say, that
the Jews were to bring no First-
fruits; but of these seven things,
(*wiz.*) *Wheat, Barley, Grapes, Figs,*
pomegranates, Olives, and Dates,
and if other than these were
brought, they were not sanctified;
with these chiefly did the land
of *Canaan* abound, and for these
it is commended in *Deut. 8. 8* *A*
land of wheat and Barley, and Vines,
and Figs-trees, and Pomegranates,
and a land of Oyl Olive and Honey,
&c. *R. Moses Maymon*, one of the

best Jewish Doctors (as *Buxtor-*
fius in his Preface to *Maymons*
more nevochim affirms, giving
him this character Doctor fuit in-
signis ac (*que law ipsi tribuenda*)
traditionibus & fabulis Talmudicis

sect. 35.

Buxtorfii pre-
fatia ad more
nevochim Mai-
monidis.

R. Moses May-
mon in Theru-
moth c. 12. sect.

17. & in Bie-
chur m. 2. sect.
2. 4. &c.

D

minime

minime additus) saith, That by the Law no measure of First-fruits is set, but by the Doctors the measure was to be the sixtieth part at the least, which agrees with that place of *Ezek. 45. 13.* before touched upon, and between the sixtieth and the fortieth part they might bring what they pleased, and not above nor under; the fortieth part the Jewish writers call a *fair eye* (*i.e.*) as Interpreters say, a bountiful offering; the fiftieth part (they call) a *mean eye* (*i.e.*) an indifferent offering; the sixtieth part (they call) an *evileye* (*i.e.*) a niggardly offering; but a learned Gentleman of this last age saith, that as to the aforesaid fruits of the land of *Canaan*, the first of the *formardest* of them was to be offered to the Lord *in what quantity the owner pleased*, and that the *Therumah* was to be paid according

Selden of
Tythes c. 2.

ing to the Hebrew Canons(*i.e.*) the *least* offering must be a sixtieth, and the greatest not above a fortieth part, and between both what the people pleased. This distinction, be it true or false, hinders not my present design, but rather advances it, and therefore I shall forbear any nice inquiry into it.

The Canonists say, that the utmost proportion of First-fruits to be paid by their Law is a fortieth part, the least a sixtieth part, and between both what the people pleased, or what the custom of the place required, which fully agrees with what is before urged. Take the words of a learned writer of the Canon Law, as it is expressed by himself under the title *de Primitiis*, which are these, *earū (i.e.) Primitiarum nomine ad summum datur pars qua-*

Sec. 36.

*Corvini Jus.
Pontif. Tit. 39.
fol. 159.*

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drages-

dragessima, ad minimum pars sexagesima, inter has duas portiones plus vel minus datur quantum requirit consuetudo, vel quantum libet ei, qui solvit.

Se8. 37. Though this be the Law ; yet it is manifest that the Popes avarice never bounded it self by it , but exacted at their pleasure more than the Law allowed. *Platina* in the life of *Boniface* the 9. saith thus, *Annatarum usum primum imposuit Bonifacius nonus, hac conditione ut beneficium consequeretur, dimidium annui proventus fisco Apostolico persolveret*, here is half a yeers profit to be paid for fruits by this Pope, and if he that began the exacting of it first (as the said *Platina* and some others would have it , which shall by and by be examined) set it so high, above his own Law , it is not hard to believe that his successors

Platina in vitis Pontif. f. 259. edu, in an. 1616.

cessors did increase it. When the Canonists affirm that *Papa in omnibus pure positivis & in quibusdam ad jus divinum pertinentibus dispensare potest, quia dicitur omnia jura habere in scrinio pectoris quantum ad interpretationem & dispensationem.*

In the 6. year of Hen. 4. the *Stat. 38.*
 Pope having advanced the rate of First-fruits above what was *6. H. 4. c. 1.*
 accustomed to be paid of old, there was a grievous complaint made in Parliament held at Coventrie of the horrible mischiefs and damnable custome which was introduced of new in the Court of Rome, (these are the very words of the Statute) That no Parson Abbot or other should have provision of any Arch-Bishoprick, &c. which shall be void, till he hath compounded with the Popes Chamber to pay great and excessive sums, as well for the First-fruit

of the said Arch-Bishop, &c. as for
 lesser services in the said Court, and
 the same or the greater part thereof
 paid before hand, which said sums
 passe the treble or double at the
 least of that, which of old time was
 accustomed to be paid to the said
 Chamber, or otherwise by occasion of
 such provision, whereby a great part of
 the Treasure of the Realm is carried
 to the said Court, &c. It is ordained,
 &c. that they and every of them that
 shall pay to the said Chamber, or other-
 wise for such First-fruits and services
 greater sums of money than hath been
 accustomed of old time past, they and
 every of them shall incurre the pain
 of forfeiture of as much as they may
 forfeit to your Sovereign Lord the
 King. By this Statute it appears
 the measure exacted was above
 the Law and ancient custome;
 but in what certain measure it
 was exacted at this time, I find
 not, it was what the Pope would
 and

and could get, he made rules for himself, but not to be bound by them longer then they served his own ends ; yet I think it cannot be made manifest that the whole years value was paid at any time to the Pope: however what the Popes did is not the rule, but what they might doe by their own Law , which in this case is suitable to the Levitical Law and the Canons of the Jewish Doctors, and we adhere to the measure therein set down, and doubt not but dispensations and *non-obstantes* to it in this respect will to an easie belief bee deemed voyd, as *Mathew Paris* in another case doeth judge them, calling *non-obstantes Nuncii infames*. *Math. Paris*
fol .77.

Having thus far proceeded by *Señ. 39.* these several Laws , I shall now meet the Doctor at his own weapon, and joyn issue with him

D 4 and

The measure
of First-fruits
by the Law of
England.

and deny that by the Statute
Laws of *England*, (taking them
in *verbis & visceribus*) and by the
Common Law also, *First-fruits*
ought to be paid into his Highnesse
Exchequer, according to the present
improved values of Ecclesiastical li-
ving and benefices.

Stat. 40.

Stat. 25. H. 8.
1^o.

In the 25. yeer of *H. 8.* First-
fruits and all other sums of mo-
ney out of *England* were prohi-
bited to be paid to the Bishop of
Rome under the forfeiture of all
their Goods and Lands that did
it; this was the first Statute that
effectually stopt the current of all
English Treasure from running to
the Papal Fiscal; and in the next
year after (*i. e.*) 26. *H. 8.* the
profit of First-fruits and Tenths
were turned into the Kings of
Englands Treasuries, whither it
hath run ever since, except for a
small time in *Queen Marias* days.

It

It is more than conjectured, *See. 41.*
 that by the Statute of 26. H. 8. *26. H. 8. c. 3.*
 the rates of First-fruits & Tenths
 were advanced beyond any pre-
 cedent or example of former
 times when the Pope had it; for
 though they made their wills
 their rule, yet it was usually
 where and when (they thought)
 they could compel as well as
 command, and where and when
 they could not compel, according
 to their wills, they willed and
 commanded generally (obser-
 ving the complexion of the feve-
 ral ages wherein they lived)
 what they might probably get
 without losing ground, and ren-
 dering their commands altoge-
 ther uneffectual; but by this Sta-
 tute a survey is to be made of all
 Ecclesiastical livings, according
 to their true values, which was to
 be inquired into by all wayes
 and

and means , and the First-fruits, Revenues & Profits for one year of every Ecclesiastical promotion whatsoever (excepting benefices not exceeding eight Marks *per Annum*, which were to pay no First-fruits unless the Incumbent lived three years after induction) and some other exceptions particularly mentioned in the said Statute) to be paid or compounded for to the Kings use upon every vacancy , and also the Tenth of every Ecclesiastical promotion for ever.

Stat. 42.

In pursuance of this Statute *Commissions* issued forth to several persons in *England, Wales, and Ireland*, (of whose number the Bishop of every Diocese where they came was alwayes one) to examine the *values* , upon which *Commissions* there were *returns* made into the Exchequer from all

fruits, all the places aforesaid, except
 year only the County of *Kerry* in *Ire-*
 noti-*land*, where it did not take effect,
 bene- by reason of the *hardness* of the
 marks work, or *danger* of coing in to that
 y no County, as a learned Gent. saith,
 bent and in that County there is not
 acti- any *payment* at all made *before the*
 ions *admission* of Ministers into bene-
 the ces; this Statute within some
 com- years after was repealed by the
 up- statute of 2. and 3. *Phil.* and *Mary*
 the th. 4. and the *Clergie* discharged
 pro- of First-fruits and Tenths, except
 only for some time that Cardi-
 nal *Pool* was to have the *Tenths* to
 rute pay Pensions granted by *H. 8.* at
 eral the dissolution of Monasteries to
Ire- certain Monks & Nuns for their
Bi- lives and no longer.

Mr. Fullers
 Church-Hi-
 story Book 5.
 cent. 16. sect. 4.
 f. 226.

But in the first yeer of Queen *Elizabeth*, these First-fruits and
 Tenths were again *resumed* to the
 Crown, and the Statute of the
 26. *H.*

Sect. 43.

26. H. 8. ch. 3. *revived*, and the said
 Queen was to have the First-fruits and
 Tents to all intents and purposes, and
 in the same estate, interest, order, and
 degree, quality, sort, and condition as
 as Queen Mary had them before the
 the repeal of the Statute of the 26.
 26. of H. 8. ch. 3. excepting only at the
 ly Vicarages not exceeding ten
 pounds per annum, and Parsonages
 not exceeding ten Marks per annum,
 num, which were to pay no First-fruits
 do, fruits, and some few other ex-
 ceptions not to our purpose.

Sec. 44.

By this last Statute there is no
 New Taxation or Survey to be made,
 but the Queen was to enjoy First-fruits
 and Tents in the same order, degree,
 quality, and condition, as her sister
 Queen Mary had them before the
 repeal of the afore said Statute of 26.
 H. 8. and the degree and condition
 that Queen Mary had First-fruits and
 Tents

and thence in, was the same that
 Firstley were surveyed and valued
 rposed, and returned into the Exche-
 order in *H.8.* and none other: &
 addition being the effect of these Sta-
 before, I am now come closer to
 of the Doctor, to let him know
 ng on at the Judges of *England* have
 ng interpreted these Statutes with
 sonage more impartiality, equity, and in-
 orr anfferency than he takes upon him
 First do, and indeed have adjudged
 her ex is very point in controversie,
 ean contrary to his confident
 ssertion.

e is no
 to be In the 12. year of the late King *Seft. 45.*
 to enarks, there was a case adjudg- *Crooks Reports,*
 in the then *Kings Bench*, upon *f. 456.* These
 d come Statute of 1. E. 6. cap. 14. reports have
Major dissolution of Chauntrys, be- all the Judges
 eal between *Humffreyes* and *Knight*, of *England*,
H.8. wherein is cited the case of *Drake* A passe
 e thagaint *Hill*, adjudged upon the through the
 S an order of Parliament 9. June 1647, to the Presse into
 eenth Statute the world, and
 the same purpose.

Statute of 26. H. 8. c. 3. and Elizabeth c. 4; in the 8th. year the said King Charles in the Common Bench, (viz.) That a Church of eight pound value, shall be valued according as it is in the books of valuation of Benefices; and not according to the true value as it is upon IMPROVEMENT, for the Statutes intend it, as it was valued in the Ancient Books of Fruits and Tenths, which were taxed in the 29. of E. 1. (but as Lord Cook saith the 20. E. 1.) after when another valuation was made in pursuance of the Statute of 26. H. 8. then it shall be according to that valuation, and there in the principal case it is said six Houses are valued according as they were at the time they were given by the Statute of Chauntries to the King, and not as they were improved afterwards. In this case are also cited

two Parallel cases touching Vou-
 chees, th'one out of Fitzherberts *Fitzh. Abr.*
 Abridgment Tit. Voucher. 258. *Tit. Voucher*
 the other out of year book of 19. 46. *258. 19. H. 6.*
H. 6. fol. 46. (viz.) The Vouchee
shall not render in value more than
what the Land was at the time of the
warranty, ultra reprisas; In Fitzh. Abr.
Tit. dower, pl. 192. There is a 192.
 case to this effect adjudged in
Mich. 7. H. 3. 10. St. seized of
 Lands in fee intermarries with
J. St. and afterwards sells the
 Lands to *J. N.* and dyes; *J. N.*
 builds upon part of this Land, by
 means whereof it is improved to
 a better value then it was at the
 time of the death of *J. St.* *Is. St.*
 demands dower, she shall have
 dower of that part of the Lands
 that remains in the same state &
 value as it was at the time of her
 Husbands death, and not of that
 which *J. N.* improved by build-
 ing. If a man leavy a fine of
 Lands

Co. 2. Inst. f.
511.

Charon.

Lands of the value of 2000 l. *per Annum*, his *pra-fine* for every five markes *per Annum*, is 6 s. 8 d. by strictnesse & severity of Law, and his *post-fine* which he payes after the *Congee d'accorder* is 10 s. yet who almost knows not but he that was born in a *bottle*, and never looked into the world, but out of a *hole* (as *Charon* speaks in another case) but that the usual composition for fines leavied, doeth not amount to the tenth part of the fine, according to the present improved value of Lands, but inclines to the ancient values of them, and those that do compound for fines, may not exact according to the utmost improved values of Lands at this day.

Sett. 46. By the Statute of *Prærogativa Regis* 17. E. 2. (which my Lord Cook saith is but a Declaration of what the Common Law was before)

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fore) the King was to have the Primer seizin (or First-fruits as *Staunf. Prærog. Regis* l. 12. a.) of the Lands of all that held from him *in capite*, (i.e.) he was not only to seize into his hand their Lands, but *Rex habebit primam seisinam*, (i.e.) *cupiendo omnes exitus*, he was to receive the whole profits thereof for one year; or if apparent default was in the heir, he was to receive it until livery, and yet when enquiry was made *de vero valore*, it is well known it was not found to be of the third part of the value of what it was truly upon improvement.

Having (I hope) not unnecessarily deteyned the Reader in the recital of these several Parallel Cases to that of *Drake and Hill*, touching the measure of First-fruits; I shall now not only proceed to enquire when First-

E fruits

sect. 47.

fruits began to be exacted by the Pope, but take my flight a little higher, and examine whether any First-fruits were payable in England before the Pope exacted it, and if it was, when; by whom it was paid, and to whom.

Sect. 48.

Lamb. de Prif-
cis Anglorum
legibus leg. Ine
62. f. 11.

Among the Laws of Ina (who began his reign in the year 712, and ended it in 727.) I find this Law *Primitias seminum quisque ex eo, dato, domicilio, in quo, ipse natali die domini commoratur.* Here First-fruits were paid by every man, and they were to be *Primitiæ seminum*, but how they could be paid in kind (as the words import) *ex domicilio*, is hard to decypher, unless the word *domicilium* comprehend something more then the bare House. Among the Lawes of Edgar (who began his reign in the year 959. & ended it in 975) we have this Law

Lamb. de Prif.
Ang. l. g. inter
leges Edgari
lex. 2 f. 62.

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*ipse seminum primitia primaria pen-
duntur Ecclesia: & among the Laws
of Canutus (who raigned from the
year 1016. unto the year 1035.
find this Law *Seminum primitia
ante festum di. i Martini penduntur,
quis dare distulerit eas Episcopo, un-
decies praestato, ac Regi ducentos &
viginti solidos persolvito: And in
the time of H. 1. (who raigned
from the yeer 1100. until 1135.)
there was this Law made, *Qui
Chericseatum (i. e.) primitiam
seminum, as Sir H. Spelman in his
Counsels doth render the word,
nebit ultra festum Sancti Martini
reddat eum Episcopo, & undecies
persolvat, & Regi 50 Solidos, by
all these Laws it appears that
first-fruits were paid in kind by
every man to the Bishop, or to the
Cathedral or Mother Church, as
is here termed, and that nei-
ther the Kings of England nor the
Bishop of Rome had any thing to***

*Lamb. de Pris.
Angl. leg. inter
leges Canuti,
lex 9. f. 192.*

*Hen. Spelmani,
Concilia, &c.
f. 402.*

do with them till after the time (as
of *Henry* the first, who finished
his raigne in 1135.

Se^a. 49.

When the
Pope did be-
gin to exact
First-fruits
in England.

Sir R. T. via-
dication, &c.
c. 4. f. 86.

I now come to enquire when
the Pope did first exact First-fruits
in England, and because there is
a diversity of opinions among
Learned Men, I shall set down
what opinions they are of, and
then what opinion I find to be
the most probably true of
others among them. Sir *Rog-
er Twifden* (a Gentleman whom
I would rather incite to make
further inquiry into his former
opinion, in a book lately published
by him, and called, *A Vindication of
the Church of England*, &c. he
then contend with him, in which
of us urges a better authority, unless
I did strongly conjecture truth
on my side) saith that *Theodoric*
a Nien (who lived in the Court
of Rome, Secretary to *Gregory* the

e time (as it seems to him) to Pope
 his the 6. sayes, That Boniface
 the 9. *Circa decimum annum sui Re-*
gnatus, viz. 1399. primos fructus
whomius anni omnium Ecclesiarum Ca-
-fructus medalium & Abbatiarum vacan-
tere sua camera reservavit, ita quod
monasteria tunc per eum promoveri voluit,
downe omnia cogebatur solvere primos
, annatus Ecclesiæ vel monasterii cui
to benefici voluit, &c. with whom
of a laina agrees, Annatarum usum
Rogatum imposuit Bonifacius IX.
nom. &c. sunt tamen qui hoc inventum
make Johanni xxii. ascribunt, the same
form both Polidore Virgil affirm but
publish speaks, as though some thought
Vindicta of a higher time, which the
d, &c. learned Gentl: Sir R. T. denies,
which brings Nicholaus Clemanges
unless who writ a Treatize of Annats)
truly lived at the time when the
don't Council of Constance sate, in
Constance Council no higher date
the could be assigned to First-fruits

Of the same
 opinion with
 Theod. a Nien
 Platina, and;
 Pol. Virg. is
 Bale in his
 Pag. of Popes
 fol. 150. a.

E 3 than

than the time of John XXII. to his *Ayde* and cites the Cardinal *D'offat*, *Ranulphus*, *Cestrensis*, *Knigh-ton*, and *Walsingham*, as all being his confederates in this assertion, & all giving the same verdict (viz.) that *Annats* or *First-fruits* began in the time of Pope John XXII. Of the same opinion with Sir R.

Hen. Spelman T. is the Learned Sir *Hen. Spelm.*
Gloss. f. 37.

in his *Glossaries*, & cites the same Authors all (except *Knigh-ton* and *D'offat*) and brings one Author more to justify this opinion (viz.) *Trevettus* whom he saith was *ipso Johanni (XXII.) equalis*.

Sec. 50.

I shall now modestly offer what I find some grounds for, against the united Testimonies of these learned Authors; The *Tractate de Annatis non solvendis* which is said to be *Nich. Glanvill* (out of which Sir R. T. takes one Testimony to justify, That First

fruits

I. to fruits began in *John XXII.* time) is doubted by Sir *Hen. Sp.* whe- *Spelm.* Gloss. whether it be his or not, though it go^{f.} 37. among *Clemanges* his works, but offers no reason for it; but whether it be legitimate or spurious, is not determined by him, therefore I shall not examine it at this time, but proceed to what I have to say, and enquire when *John XXII.* was Pope, how long, and in what Kings of *Englands* reign it was; and then enquire whether First-fruits were not exacted before his time.

Pope *John XXII.* (or rather *Seft.* 51. the *XXIII.* if the life of *Joan VIII.* (the she Pope) had not in See Pope *Joanes* life in *Bales* Pageant of Popes, f. 55. and in the old *Platina.* the later Editions of *Platina* been expunged, it being yet to be seen in the his first Edition,) began his *Popedom* in the year 1316. which was about the 9th. year of *Ed. 2.* of *England*, (the Papal

Seat being empty for two years after the death of *Clement* the V. (who died in 1314.) by reason of discord among the Cardinals) and ended it 1335. which was about the 10 year of E. 3. Now that First-fruits had not beginning in this Popes time, but had a higher date, I shall offer several Testimonies.

Seft. 52. Mr. Fox in his book of Martyrs saith, That *Leuis* the 9. of France made his *Pragmatica Sanctio* in the year of our Lord 1228. in full Parliament against the Popes exactions, about which time, notwithstanding the said Institutions, the Pope demanded First-fruits, and reservations of Benefices, to the impoverishing of the Church, which among the old Roman Elders were new known. And in another place he saith, that Pope *Clement* the 5.

Mr. Fox Acts and Monuments, vol. 1. p. 7. col. 1. l. 13. Pope *Gregorius* the 9. lived at this time, in whose time the Decretals were published.

in the year of our Lord 1307. Mr. Fox Acts and Monuments, vol. 1. p. 452. c. 2.
 (which was in the 34. year of *Edw. 1. of England*) sent *William Testa*, (otherwise called *Mala Testa*) into *England* with *Bulls*, in which he reserved the *First-fruits* of the first year of all Churches being vacant at any time in *England, Scotland, Wales, and Ireland*; which the King opposed in his Parliament at *Carli'e*: In this Parliament was made the Statute *de Asportatis Religiosorum* in the 35. Stat. 35. E. 1. de asportatis Religiosorum year of *Edw. 1.* this Statute was against *Tallages Payments, Charges, and Impositions* that were laid by Aliens, heads of Religions houses in *England*, and carried beyond Seas, and though the words *First-fruits* are not particularly expressed in the Statute, yet by what is said before, and what shall be said next after, there is more than conjecture that they were intended under the general words of *Tallages*,

Tallages, Payments, Charges, and Impositions, against which the Statute provides; and my Lord
Co. 2. Inst. 580. Cook in his Comment. on this Statute cites this record, *In hoc Parlamento per majores graves deposita fuerint querimoniae de oppressionibus Ecclesiarum & monasteriorum multiplicibus, & extortionibus pecuniarum per Clericum Domini Papae magistrum willimum TESTA noviter in Regno inductum: preceptum est ejusdem Clerico de assensu Comitum & Baronum, ne de cetero talia exequatur.* And Daniel in his History of the lives and reign of the Kings of England, saith, That in the same year that the Statute of Carlile was made, The Pope demanded First-fruits out of all Abbies, Priores and Monasteries in England, Scotland, Wales and Ireland, and that though E. 1. did deny them to him, yet some thing he had, for at that time the King being in Warre
 with

Daniel's History
 176. 172.

with Scotland, the Pope granted him the Tenth of all Churches of England for two years, and the King (to requite him) yielded that the Pope should have the First-fruits of those Churches. And Peter Cassiodorus in an Epistle to the Church of England, in the year 1302. (which was 5. years before this Parliament at Carlile) taken out of an old book in *St. Albans Church* (as Bale saith) inveighing against the Popes oppression of the English Clergy, saith, That the Pope (which at that time was Boniface the eight) was not content to have the tenth part of all the Clergies goods, but must have the First-fruits of the benefices of the Ministers whereby he may got a NEW PATRIMONIE, as well for himself as his kindred; upon all these Testimonies very little varying from one another, except onely that the first is some scores of years

Bales Pa-
geant of
Popes. f. 127,
128.

years older then the rest : I must be of a belief with *Polidore Virgil*, (whom yet I should little credit without Coassertors of a better esteem than himself) *That First-fruits were of an elder time* than what Sir R. T. and Sir Hen. Spel. and those authorities they cite affirm them to be; untill receive better satisfaction than yet I have.

O F T E N T H S.

C H. II.

Sett. I.

מעשר
decima, a.

HAVING thus far proceeded in giving the best account I could of *First-fruits*, I shall now go on to speak of *Tenths*, which I find in Scripture expressed by this word, *Magnascher*, decima; from

from *Gnatschar*, *decimavit* : and by
 no other word that I find: Learn-
 ed men affirm, There were four
 several sorts of *Tenths*, 1. The *Several sorts*
Israelites paid a Tenth to the Le- *of Tenths.*
vites or inferior Priests. 2. The *Venatorii Ana-*
Levites separated a Tenth of their *listis Jur. Pon-*
 Tenth to the Priests. 3. There *tifi. lib. 3. tit.*
 was a Tenth that every one of *30. f. 621.*
 the *Israelites* separated in the *Selden of*
Corn-Floor, which when they *Tyrhs. c. 2.*
 went to *Jerusalem*, they were to *f. 13.*
 eat in the *Entry* or *Porch* of the
Temple, and to invite the Priests
 and *Levites* to partake of it. 4.
 There was a Tenth which the
Israelites were to set apart for the
Poor and for the *Levites* within
 their own Gates; but that Tenth
 which I am to speak of, is only
 that which the *Levites* paid out of
 their *Tenths* to the Priests : The *Le-*
vites though they had no inheri-
 tance among the Children of
Israel in the Land, yet they were

18. Numb. 24.

to

Aysworth up-
on the Penta-
teuch.

to honour the Lord with an Heave-offering; or First-fruits out of their first-Tythe, which (as a worthy Learned man saith) was to be imputed to them as if they had Lands and possessions, and offered Tenths out of them, these the Levites were to give to Aaron the Priest, and the Tenth they gave the Priest was to be of the best of their Tythes; and from hence I offer this definition or description of the second Tythe or Tenth, viz.

Seft. 2.

Tenths (or second Tythes) in Scripture, were the tenth part (or First-fruits) of the best of the first Tythes which the Levites separate for the Lord, and which he gave unto the Priests. For proof of this description the Scripture is not sparing in the 18. of Numb. vers. 26. Thus speak unto the Levites and say unto them, when ye take of the children of Israel

Israel the Tythes which I have given
 you from them for your inherisance.
 Then ye shall offer up an Heave-offe-
 ring of it for the Lord, even, a tenth
 part of the Tyth, and that it was
 to be given to Aaron the Priest is
 manifest by the 28. verse of the
 same chapter, (viz.) Thus you also
 shall offer a Heave-offering unto the
 Lord of all your Tythes which ye re-
 ceive of the children of Israel, and ye
 shall give thereof the Lords Heave-
 offering to Aaron the Priest, And
 that they were to be given out of
 the best of the Tyths, appears by
 the 29. verse of the same chap-
 ter, in these words, Out of all your
 gifts ye shall offer every Heave-offer-
 ing of the Lord of all the best thereof,
 &c. and that they were in the
 nature of First-fruits, is not hard
 to make manifest for, 1. The
 word here used to signifie Heave
 offering of the tenth is *Theruma*,
 which must be understood of the
 obla-

oblation of First-fruits as was before urged. 2. The vulgar Latin readers *Theruma* in *Numb.* 18. 26. to be *Primitia*: part of the verse runs thus, *Cum acceperitis a filiis Israel decimas, PRIMITIAS earum offerte Domino (i.e.) decimam partem decimæ,* and in the 27. vers. *ut reputetur vobis in oblationem primitivorum, &c.* and the septuagint do render *Theruma* here ἀφαισµα *demptio* & ἀφαισῖτε ὑµῖς ἀφ' αὐτῶ ἀφαισµα κυσῶ ἐπισευκτόν ἀπὸ τοῦ ἐπισευκτοῦ (i.e.) & demitis vos de ea demptione domino decimam de decimā. The Learned Publishers of the Bible in the Learned Languages, do render the word, *Heave-offering* of the tenth of the Tyth, out of the *Syriak* *seperatio*, out of the *Chaldee* also *seperatio*, out of the *Samaritan* *oblatio elevationis*, and out of the *Arabick* *oblatio*, which are the same in effect by all these authorities, or

at

at least some of them, it cannot
 but be admitted me, *that the Tenth*
 (or 2^d. Tyths) *were the First-fruits*
that the Levites paid out of their first
Tythes, but why the Levites were
 to pay a certain measure of First-
 fruits (*viz.*) *a Tenth of their Tenth*,
 and the Israelites were left to give
what they pleased (so it was the
 best) or if they were stinted (as
 the Rabbins say they were by the
 Jewish Canons, and as the 45.
Ezek. 13. seems to tell us) yet it
 was not above a *fortieth part*, seems
 to me hard to be resolved, unless
 it was because the Levites and
 Priests had the Lord for their in-
 heritance, and had a more *pecu-*
liar converse and correspondence with
him than the ordinary Israelites,
 therefore they were to pay a *lar-*
ger Tribute of acknowledgement of
Gods goodnesse than they; how-
 ever we may say the will of the
 F Lord,

Lord, which is the rule of goodness, is authority, and a reason sufficient enough for it,

Se^{ct}. 3.

Moss Maymon
of Tythes c. 1.

Selden of
Tythes, f. 13.

Buxtorf. Lex.
l. 558.

The Jewish Doctors say, That the *Tenih*s (or second Tythes) are the tenth part of the best and fairest of the first Tythes separated by the Levites for the Priests. The Husbandman (saith Mr. Seld. out of Joseph. Archon) paid no Tythes to the Priests, only the Levites received Tythes from them, and paid the Tenth out of them to the Priests, being tanto illis minores, quanto ipsi majores populo; by which example Clergy-men paid Tythes to the Pope, nor might the Levites spend any of their Tythes to their own use till the Tenth for the Priest were first separated out of it: and Buxtorf. saith, *Primam decimam dedit Colonus Leviticis, de qua ipsi dabant decimam sacerdotibus.*

The

The Canonists tell us, That *Señ. 4.*
 the Tenth is *illa decima quas Le-* *Venator. Ana-*
vita (hoc est) inferiorum ministrorum *lysis Ju. is Pon-*
gradus ex decimis dabant sacerdoti- *tif. lib. 3. tit. 36.*
bus. These Tenthes before the
 Statute of *H. 8.* were exacted by
 the Bishop of *Rome*: for when he
 assumed to himself the name and
 Tytle of *Pastor pastorum*, he ex-
 acted to himself *Decimas decima-*
rum, as Mr. *Fuller* affirms.

Fuller Church
History B. 9.
Cent. 16. § 11.
4. f. 226.

The English Lawyers say, *Señ. 5.*
Tenths Ecclesiastical are the tenth *Co. 4. Institutes*
part of the value of all Ecclesiastical *c. 14. f. 130.*
livings yearly payable to the King,
(or to the chief Magistrate) his
Heirs and Successors; except onely
for the first year, wherein they
did pay the First-fruits. This de-
scription must (as well as that
of First-fruits) bee understood

to be after and with relation to the
aforesaid Statutes of 26. H. 8. and
1. Elizabeth, which first gave them
to the Kings of England, and made
the Popes exactions, inroach-
ments, and usurpations, to become
a Royal Revenue, and a standing du-
ty to the Crown.

sect. 6.

These second Tenthes (being
the Tenth of the first Tyth) is a
certain and set measure and propor-
tion of what the Levites paid un-
to the Priests; I shall not therefore
bee necessitated to pursue the
same method and order in every
respect, as I did in the handling
of First-fruits, which had not so
clear and manifest a stint by the
Law of God or man : But that
Tenthes are to bee paid to the
chief Magistrate of England, &c.
according to the Book of Valuation of
Bene-

Benefices in the time of H. 8. and not according to the present improved values of them at this day, which the Doctor urges, is clear from the case urged before our Justice Crook, to which we do *Crooks Reports*
adheare, and to the parallel cases *f. 455, 456.*
there touched on.

When these 2^d. Tythes began *sect. 7.*
 first to bee paid in *England*, is hard to know; we do not find that they were paid (as First-fruits were) in the time of the *Saxons*, although we find them earlier in the Popes Purse out of *England* than First-fruits were; It is true some think them *twyns* begot by the Pope at the same time here in *England*, because of the *affinity* they have one to another, (they being indeed in their first appointment (both of them) but First-
 F 3 fruits,

fruits, paid in a different measure by different hands) and because they travelled together hand in hand for divers scores of years throughout several volumes of the Canon Law, & through our several Acts of Parliament here in England: But such as think so, may know, that it is ordinary to find First-fruits walk alone in the several Reigns of Ed. 1. Ed. 3. Rich. 2. H. 4. yea of most of the Kings of England from Edward the first downward, till H. 8. time, and Tenth's have walked alone both since and before Edw. 1. time.

Sec. 8. Daniel in the life of Edward the first, in the place before recited, saith, That the Pope gave Edward the first in the 34. year of his reign toward the maintenance of his warre with

Daniel his History, f. 171. in the life E. 1. When Tenth's began to be paid to the Pope.

with Scotland, the Tenthes of all
Churches in England for two yeares,
which the King accepted, and to re-
quite the Holy Father, gave him in
lieu of it the First-fruits of these
Churches; which evidently shews
that the Tenth were of an elder
date in the Popes possession and
enjoyment, than First-fruits,
which then the Pope received
not till the King gave them him,
by as good a right as the Pope
had to demand them, which was
none at all, however the Pope
and the King were the *Wolf* and
the *Lion*, as *Mathew Paris* saith,
that preyed on the people as of-
ten as any necessity of their own
creation put them upon it. But if
we enquire a little higher, wee
shall find, That Pope *Clement*
the 4. in or about the year of our
Lord 1265. (which was to-
wards the later end of the reign

Papa & Rex
Lupus & Leo.
Math. Paris.

*Bzovius post
Baconium.
Tom. 13.*

of *Hen. 3.*) did demand the Tenth. For thus *Bzovius* in his Ecclesiastical History writes, *Decima sacerdotiorum Anglia Clericis imperantur & alia in toto Galliarum Regno & Comitatu Andegaviensi omnibus Ecclesiis pro Sicilia Regno recuperando a Clemente 4. imperantur*, and in the year of our Lord 1289 (which was about the 17. year of *Edward* the first) the same Author saith thus, *Decimatio fructuum Ecclesiasticarum pro rebus Syriae deploratis omnibus Ecclesiis in triennium a Nicholao quarto Pontifice anno Pontificatus sui secundo, imponitur*. We find also, That the Pope did give *H. 3.* the tenth of the Clergys estates, according to the improved value of Churches, upon a new inquiry to be made (not unlike to what the Doctor desires now) and the Tenth of the estates of the

the Laitie also throughout the Realm, *ad Regia Viatica Peregrinationis*, as *Math. Paris* saith; *Mathew Paris* 821. 822. but this was opposed by the Clergie: *Quia binus actus inducit consuetudinem*, but afterwards he had them, I hope by this that I have now urged it will not bee hard to believe, that Tenth were exacted in *England* by the Pope before First-fruits, and that they were in the Popes possession and graunt too in the time of *H. 3.*

Being thus farre arrived, and *Sect. 9.* having (I hope) not without just cause drawn the Readers eye *a little aside* from viewing the Doctors assertion, to take a view of mine, which I assert to bee the Truth; I shall conclude with the Story in *Xenophon*

XENOPHON
TOZ KYR
παλαιας
f. 13.

phon of Cyrus the Persian King,
when he was a youth in School,
and of his Judgement in the
case of Right and Conveniency,
Παῖς μὲν ἄλλος μικρὸν ἔχων χιτῶνα, ὅστις
παῖς μὲν ἄλλος μὲν ἔχοντα χιτῶνα ἐν-
δύσας ἔστω, &c. (That is) A
great boy having a little Coat,
stript a little boy having a
great Coat. I (viz. Cyrus) be-
ing Judge in this matter, did
give Sentence, That it was best for
both parties, that each might have
a Coat suitable or fit for him; for
which Judgement Cyrus was
beaten by his Master, and told
that in matter of Conveniency
and Finesse his Judgment was
good; but this was to fix and
determine a Right, whose the
Coats were. Thus farre I shall
apply it, the Doctor judges it
meet his Highnesse, having so
many streams daily running
out

out of his Excheq. should have
 some running in, and therefore
 hath already adjudged 100000*l.*
 forthwith, and 50000*l.* *per*
Annum, as a perpetual revenue
 to run thither out of the First-
 fruits and Tithes of Ministers
 livings, over and above what
 was ever yet paid since the time
 of *Henry* the eighth; I am of
 his mind, That it is *conveni-*
ent, yea *necessary* his Highnesse
 should have *store of Treasure*, to
 defray the great Charges he is
 at, in endeavouring to secure
 our Religion and Liberry a-
 gainst *Domestick* and forein
 enemies; but do affirm and
 hope, that I have made it ap-
 pear, That by the *Law of the*
Land his Highnesse cannot de-
 mand it; and if he could, I
 verily believe he would bee as
 loath to take it from that num-
 ber

ber of men as from any other in the Nation. But I shall not with the Doctor from his Highness the same correction and chastisement that Cyrus had from his Master.

*Non habet eventus sordida pra-
da bonos.*

F I N I S.

P
r. D
II
6.f
7N
rich
Pop
p.4
out
r. n
p. 6
r. a

THE ERRATAS.

P Age 6. line. 1. in the Margenr, for תרינוה read
 בנורים p. 6. l. 18. in the Margent, for תרומה
 r. בכורים p. 17. l. 1. for 1651. or 1652. r. 1151. or
 1152. p. 19. l. 14. for *terri orũ* r. *Territorium*. p. 30. l.
 6. for *Proventum* r. *Proventum*. p. 33. l. 3. for מטמח
 r. ממח p. 38. l. 1. for Arch-Bishop, r. Arch-Bishop-
 rick. p. 41. l. 4. for advanded, r. advanced. l. 6. for
 Pope, r. Popes. p. 43. l. 8. for paymeni, r. payment.
 p. 49. l. 7. for *cupiendo*, r. *capiendo*. p. 52. l. 19. blot
 out *in*. p. 55. l. 21. blot out *the*. p. 56. l. 22. for new,
 r. never. p. 57. l. 17. for Religions, r. Religious.
 p. 60. l. 9. for receive, r. I receive. p. 63. l. 9. for a.
 r. an.